

Speech by Mrs. Anson Chan, GBM, GCMG, CBE, JP at the 2006 Awards Dinner of the Society of Publishers in Asia on Thursday, 25<sup>th</sup> May, 2006

Distinguished Guests, Ladies & Gentlemen,

1. It is a great pleasure and honour for me to be with you all this evening to celebrate editorial excellence in Asia.
2. Next year marks the 10<sup>th</sup> Anniversary of our establishment as a Special Administrative Region of the People's Republic of China. Tonight's occasion gives us a good opportunity to pause and take stock of the state of press freedom in Hong Kong. This is one of the fundamental freedoms that we enjoy in Hong Kong, under the concept of "one country, two systems". Freedom of speech and free flow of information are essential to the well-being of a modern community. Indeed, they form the bedrock of an open, pluralistic society which we pride ourselves on being.
3. At the time of the handover, there were understandable concerns about whether the guarantees in the Joint Declaration and the Basic Law on freedom of speech and free flow of information would be honoured after 1997. I think we can take comfort in the fact that nine years after the handover, Hong Kong can still boast to be home to about 50 daily newspapers and 750 periodicals. This says a great deal about the appetite of Hong Kong people for news of all shades. Indeed,

Hong Kong has one of the highest **levels** of newspaper readership in the world. AOL Time-Warner (which includes Time Magazine, CNNI, Fortune Magazine) have their Asian regional headquarters here as **do** Wall Street Journal, International Herald **Tribune**, Financial Times and Agence France-Presse ( AFP ). There are about 100 international media organizations with offices or correspondents based in Hong Kong. About a quarter of these correspondents/media organizations cover the region from Hong Kong. Their presence is the best evidence of the freedoms that can be enjoyed here and the prime position we occupy on regional air routes.

4. One of the interesting developments over the **recent years** has been the emergence of the free tabloid newspapers handed out at the MTR stations every morning. This is surely a healthy sign of a well-informed and engaged society. Ours is a free-wheeling, argumentative but law-abiding community. Differences exist on all kinds of issues – from social provision to civil liberties, to governance and constitutional reforms. But such differences are entirely natural and healthy because this is what happens in an open, pluralistic society. Diversity of people, of culture, of opinion – that is what gives colour and vitality to our city and sets Hong Kong apart from the mainland.
5. As we look back at the post-war history of our region, it is striking how important has been the contribution of the media – newspapers in particular – to Asia’s political development. The media played a major part in helping colonial societies to shape their own political

cultures and develop their national identities. India's road to independence, for example, could have been far more difficult if *The Statesman* and *The Hindustan Times* had not been newspapers of distinction and influence. Similarly, the *Straits Times* played a distinguished role in the emergence of both Malaysia and Singapore. *Nihon Keizai Shimbun* has symbolized the emergence of Japan as a dominant economic power. But the contribution of the press to change and modernization in this region is not only a post-war phenomenon. Periodicals were a major force, for example, in China's "May 4<sup>th</sup> Movement" in 1919, which did so much to awaken the national consciousness of the Chinese people.

6. Unfortunately, gratitude is not necessarily a political virtue. The value of vigorous, hard hitting publishers and editors was widely recognized in the final stages of the colonial era. But freedom of publication and editorial independence **has** not always been admired so warmly during the years that followed. Far too often, political leaders have come to regard freedom of expression and free flow of information as a liability: at best a source of potential embarrassment and at worst a threat to their careers and ambition. The problem about freedom of expression is that we all think it is a good thing but we often feel uncomfortable about the consequences. Winston Churchill put it very well: "Everyone is in favour of free speech", he said. "But some people's idea of it is that they are free to say what they like but that if anyone else says something bad, that is an outrage". In other words, we all want to see the news published objectively, impartially – and from our own point of view.

7. I must admit that it is not always easy to stay firmly and unconditionally on the side of freedom of expression. There is always a temptation to say that the freedom is being abused, that it has degenerated into a charter for journalists to pry and editors to pontificate – especially when you personally are the target. It seems all too legitimate to accuse the media of being irresponsible when facts are wrong, quotes are mangled and stories grossly personalized. There is no shortage of excuses for urging curbs on press freedom.
  
8. So what is the case for freedom of expression and the right to information? I believe that this freedom lies at the heart of the fundamental right to know. As George Bernard Shaw argued: “The right to know is like the right to live. It is fundamental and unconditional in its assumption that knowledge, like life, is a desirable thing.” In the final analysis, to quote President F.D. Roosevelt, knowledge is “our best protection against unreasoning prejudice and panic-making fear, whether engendered by special interests, illiberal minorities or panic-stricken leaders.” The right to know certainly goes hand in hand with the right to lead lives of freedom and dignity. Very plainly, Asia would be far less free today if the media had not been so vigorous and outspoken in the past.
  
9. Those in authority, whether in government or in business, should regard freedom of expression and information as a positive asset. In particular, they should recognize how the media can both improve

management performance, in the public as well as in the private sector, and contribute directly to economic expansion.

10. Let me start with the media's contribution to good management. A complex modern city like Hong Kong depends increasingly on providing high-quality services which meet the public's needs. No executive and no official can hope to monitor directly how well their staff serve their clients. If they tried to supervise in detail, services would be bogged down by bureaucracy, and administrative costs become intolerable. Hence, when a TV documentary or a newspaper feature highlights the poor performance of a business outlet or a government department, management should welcome being put on notice that things are going wrong. Negative feedback from the media can be a valuable management tool.
  
11. But the media and their role in monitoring management are only one part of the story. The right to analyse, comment and report is essential to both the credibility and efficiency of Hong Kong and is an increasing economic asset in its own right.
  - The media are the first and most accessible source of information for the business community on how markets are moving, how investment prospects are changing.
  - The media are the most effective forum in which business and corporate performances can be debated.
  - The media are, in many ways, the ideal market place in which business knowledge and concepts compete for customers

12. We must also be clear that the knowledge on which an information society depends cannot be confined to share quotations and foreign exchange rates. The media must be free to deal with everything that influences the well-being of society and which can make or mar its future – political and social issues as well as commercial and financial policies.
  
13. Hong Kong no longer has a choice. We are already part of the global “information society”. Without open and unrestricted communications and full access to the global flow of information, we cannot hope to retain our current standing in the world economy. Our prosperity already depends on the sophistication of our service industries and their access to the markets not only of this region but of the world. We can only hope to maintain our prosperity and improve the living standards of our people if we can match the standards achieved by the most advanced economies. In these economies, more than half of their total GDP is “knowledge-based”, “knowledge-intensive” services provide their fastest source of growth and “knowledge-workers” are their largest source of new jobs. For the future, we will literally stand or fall by our skills in creating and exploiting information. Knowledge and our effective use of it will determine our future.
  
14. So are there no limits to press freedom? Certainly there are, and Hong Kong does not apologize for having stricter laws dealing with defamation and obscenity, for example, than some other parts of Asia. In recent years, our community has expressed concern about

infringements of privacy by the print media. The Law Reform Commission has made recommendations to deal with this issue and we look forward to the Government's deliberations and eventual proposals to address public concern. Communities everywhere are entitled in the public interest to set the standards of responsible behaviour for suppliers of information. But these standards must genuinely meet the community's requirement and must not form the excuse for curtailing press freedom or protecting government officials or business executives from embarrassment.

15. The internet has added a whole new dimension to freedom of expression and free flow of information. Traditional means of disseminating information are now rapidly being superseded by modern technology. Web based publishing can operate anywhere using relatively inexpensive equipment. It is much harder to control than, say, newspapers or television or radio stations. The internet is, as Bill Gates recently remarked a "tool for openness". All the more distressing then when we see some of the world's biggest operators of webmail succumbing to political pressures and compromising their principles in the pursuit of market access. Giant US players like Microsoft, Yahoo and Google – which famously espouses a policy of "do no evil" – have extraordinary financial, economic, technological and moral muscle to get together and fight for the values that the internet and cyberspace represent. Such an approach would serve them better in preserving their integrity and in fostering a much needed culture of freedom of information. Developing countries including China will need to embrace this concept as part of their own

admirable and exciting economic reforms. No country intent on growth can afford to be outside of the global market and the cyberspace highway. That means not only exploiting the advantages that the global market and cyberspace bring but also playing by international rules, including rules of free and open access. As the Financial Times commented recently, internet censorship is porous, freedom is contagious.

16. Whilst on this subject, I note with concern the alleged disclosure by Yahoo's Hong Kong based company of certain e-mail account information which reportedly led to the identification of the user of the account and the imprisonment of the journalist Shi Tao in the mainland. This could have serious implications for web-mail users in Hong Kong and elsewhere. The case raises questions concerning privacy and protection of personal data, particularly the collection, storage, processing and use, including disclosure of personal data by webmail providers and others. In this connection, it is reassuring that the Legislative Council Panel on Information Technology and Broadcasting and the Privacy Commissioner have been looking into the matter. We look forward to the outcome of the inquiries. Ultimately, the Government and web-mail providers must set our minds at ease that we will continue to have informational privacy and adequate protection of personal data and that any attempt to compel disclosure will be subject to the full rigours of the law. Furthermore, if it is necessary to amend the Personal Data (Privacy) Ordinance, Cap 486 in order to strengthen such protection, the authorities should take early steps to do so.

17. As I have pointed out earlier, press freedom is guaranteed by both the Joint Declaration and the Basic Law and enshrined in our Bill of Rights. Over the years, our Government has moved progressively to make local laws consistent with the Bill of Rights. Government has time and again reaffirmed its commitment to maintaining a free and active press. Whilst the Government clearly has an essential role to play in ensuring that we comply with both the letter and spirit of the Joint Declaration and the Basic Law, in the final analysis, the foundation of press freedom must rest on the professionalism and integrity of the people running the media. I include in this proprietors, management, editors and journalists.
  
18. Press, TV and radio are big businesses today with fierce competition for circulation and for readers. It is therefore entirely understandable that those involved must have regard to commercial interests. But the media's first duty is to disseminate information truthfully, impartially and fairly in an open and transparent manner. Self-censorship, political correctness, selective reporting, deliberate distortion of facts and propaganda have no part in responsible press. I am aware that the intense competition among the Chinese language press [has](#) led to a general dumbing down in a scramble for juicier stories, sharper angles and more sensational headlines. The value of the press as a watchdog of Government and corporations lies in its fearless independence, its compliance with the highest ethical standards and its willingness to report on matters of public interest in ways that may not always please everybody. With the stiff competition that our press, TV and radio

face from cyberspace and web-based publishing, it seems to me that only those who adhere to high ethical standards, reliability and public accountability will survive the test.

19. I offer my warmest congratulations to all the award winners. You are the standard bearers for editorial excellence. Hong Kong needs and deserves a free, diverse and vigorous press to hold accountable our government and corporations. Our past, present and future success rests on the solid foundation of a free society under the rule of law. Freedom of expression and information is the bedrock guarantee of our way of life. It is enshrined in our constitution. Thus we have both a constitutional right to enjoy free speech and the constitutional obligation to guard against its erosion. So my parting message to you, members of the press, is this - write the stories and editorials that deserve to be written – truthfully, objectively, and without fear or favour.

Thank you.